

From: [Travis, Pamela](#)
To: [Moore, Gary](#)
Cc: [Salinas, Amy](#)
Subject: RE: CES
Date: Friday, July 25, 2014 12:27:19 PM

Gary – there's no harm in asking, since the Trustee may be as concerned as you about future use of these containers for illicit purposes. On the other hand, he may view them as assets or improvements and be unwilling to relinquish them, or may consider some more important to the long term value of the property than others.

The form of the "ask" could be writing it into the proposed access agreement as one of the activities EPA proposes to perform in removal, and negotiating it there. There may be an issue on who gets the proceeds of recycling or sale, but there is a good argument to be made to use the proceeds to offset the cost of the removal action; certainly the removal action at EPA's expense would add value to the property by taking away the endangerment, so there is a certain quid pro quo there. That's my two cents.

I believe that Amy is back on Monday and that this is her case; will leave it to her from here. Having dealt with the Trustee in the past, Amy may have more particular ideas about how to approach the issues of access and recycling/sale based on her site-specific experience.

From: Moore, Gary
Sent: Friday, July 25, 2014 10:20 AM
To: Travis, Pamela
Cc: Salinas, Amy
Subject: CES

Pam:

Is there a way to put a authorization in the access agreement for EPA to be able to destroy and decommission/dispose/recycle/sale of storage containers (ie. above ground storage tanks, vacuum boxes, roll-off boxes, tanker trailers, drums, totes, etc) to the extent necessary to remove those items from the site so that they will not be used for illicit disposal of waste.

This would be nice to have authority to do this without being hit with a takings claim. Depending on how everything works out we may not be able to decontaminate the containers due to funding (not sure). Although, we may be able to do this by having a cleaning company decon for getting the metal value or item.

Basically, I would like to get the authority to do whatever is most cost effective to the project.

How would we handle this in a cosent for access?

Gary Moore

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